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Attorneys for Defendant
Bank of America, N.A.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

RICHARD STANHOPE,

Plaintiff,

- against -

**BANK OF AMERICA, N.A., PNC BANK,
DEBORAH CARTER FRANK, HARRY
FRAKE III, JOHN AND JANE DOE 1-5,
AND ABC CORPS, 1-5,**

Defendants.
_____x

C.A. No. _____

**Removed from:
Superior Court of New
Jersey
Chancery Division
Burlington County**

DOCKET NO. C-110-14

**TO: THE HONORABLE JUDGES OF THE UNITED STATES
DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY**

NOTICE OF REMOVAL

Defendant Bank of America, N.A. ("BANA") through its undersigned attorneys, Moran • Karamouzis LLP, pursuant to 28 U.S.C. §§ 1441 and 1446, respectfully notice the removal of the above captioned action to the United States District Court for the District of New Jersey from the Superior Court of the State of New Jersey, Law Division, Union County. The grounds for removal are as follows:

1. This action was commenced against defendants Bank of America, PNC Bank and Deborah and Harry Frake, III in the Superior Court of the State of New Jersey,

Chancery Division, Burlington County, on or about May 19, 2015, by the filing of an Amended Summons and Complaint.

2. Defendant PNC Bank was granted dismissal from this action by the Superior Court of the State of New Jersey, Chancery Division, Burlington County on or about July 20, 2015.

3 Plaintiff filed a Third Amended Complaint with the Superior Court of the State of New Jersey, Chancery Division, Burlington County on or about March 18, 2016.

4. The Third Amended Complaint was served on March 23, 2015 and a courtesy copy was received by e-mail that day, and a service copy was received by mail on March 25, 2016. Copies of all process, pleadings, and orders received by defendant Bank of America, N.A., are annexed hereto as Exhibit "A" in accordance with 28 U.S.C. § 1446(a).

5. This Court has original jurisdiction over this action pursuant to 28 U.S. Code §1331 (federal question) because the action involves claims arising under the Americans with Disabilities Act, 42 U.S.C. §12111 *et seq.*, §12181(7) (F), and ADA Sec.36.104(6) against defendant Bank of America, N.A.

THE PARTIES

6. Upon information and belief, Plaintiff Richard Stanhope is an individual residing at 85 Madison Avenue, Mount Holly, New Jersey 08060.

7. Upon information and belief, defendant Deborah Carter Frake is the Plaintiff's mother and resides at 47 Mount Holly Avenue, Mount Holly, New Jersey.

8. Upon information and belief, defendant Harry Frake III is the Plaintiff's step-father and resides at 47 Mount Holly Avenue, Mount Holly, New Jersey.

9. Defendant Bank of America, N.A., is a national banking association organized under the laws of the United States with its principal place of business located at 100 North Tryon Street, Charlotte in Mecklenburg County, North Carolina.

THE STATE COURT ACTION

10. Plaintiff's Third Amended Complaint action alleges eight causes of action against the various defendants including: (1) "Fraud – Injunctive Relief" against the Frake Defendants (2) violation of the Americans with Disabilities Act, 42 U.S.C. §12111 *et seq.*, against defendant Bank of America, N.A., (3) violation of the New Jersey Law Against Discrimination against defendant Bank of America, N.A., (4) Breach of Contract against defendant Bank of America, N.A., (5) Promissory Estoppel against defendant Bank of America, N.A., (6) Negligence against defendant Bank of America, N.A., (7) Breach of Implied Covenant of Good Faith and Fair Dealing against defendant Bank of America, N.A., and (8) Breach of Fiduciary Duty against defendant Bank of America, N.A.,.

THIS COURT'S REMOVAL JURISDICTION

11. Title 28 U.S.C. § 1441(a) provides the basis for removal jurisdiction to this Court of this action as this is a state court action over which this Court has original jurisdiction under 28 U.S.C. § 1331 (federal question). In this action, plaintiff alleges violation of the Americans with Disabilities Act, 42 U.S.C. §12111 *et seq.*, §12181(7) (F) and ADA Sec.36.104(6) against defendant Bank of America, N.A.

12. Therefore, this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331. As an action of a civil nature where a federal question is in dispute, this action may be removed to this Court pursuant to 28 U.S.C. § 1441 (c).

13. The timing requirements of 28 U.S.C. § 1446 (b) have been satisfied in that this Notice of Removal has been filed within thirty (30) days after receipt of notice of the filing of the Third Amended Summons and Complaint by Plaintiff Richard Stanhope.

14. The United States District Court for the District of New Jersey is the appropriate court to which this action should be removed because this district is the district embracing actions filed in the Superior Court of the State of New Jersey, Chancery Division, Burlington County. 28 U.S.C. § 1441(a) and § 1446(a).

15. A true and correct copy of this Notice of Removal is being served upon Plaintiff as required by law. 28 U.S.C. § 1446 (d).

16. A true and correct copy of this Notice of Removal is also being filed promptly with the Clerk of the Superior Court of the State of New Jersey, Chancery Division, Burlington County, as provided by law. 28 U.S.C. § 1446 (a) and § 1446 (d).

WHEREFORE, defendant Bank of America, N.A., respectfully requests that the captioned action, now pending in the Superior Court of the State of New Jersey, Chancery Division, Burlington County, be removed to this Court.

Dated: April 13, 2016
Rockville Centre, New York

Respectfully submitted,

MORAN • KARAMOUZIS LLP

By: 
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